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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,831	02/18/2002	Sanh Dang Tang	MIO 0018 V2/96-1138.03	8095
7590	05/03/2004		EXAMINER	
Killworth, Gottman, Hagan & Schaeff, L.L.P. One Dayton Centre, Suite 500 Dayton, OH 45402-2023			ESTRADA, MICHELLE	
			ART UNIT	PAPER NUMBER
			2823	
DATE MAILED: 05/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicati n No.	Applicant(s)	
	10/078,831	TANG, SANH DANG	
	Examiner	Art Unit	
	Michelle Estrada	2823	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The finality of the Office Action mailed 12/03/03 has been withdrawn in view of the letter filed 12/10/03.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Blalock (5,320,981) and Wu (5,940,731).

Blalock discloses a substrate (12); a layer of dielectric material (14) formed on at least a portion of said substrate; a layer of conductive material (10) formed within said layer of dielectric material; a layer of etch resistant material such as a photoresist; at least a portion of said layer of dielectric material and said layer of etch resistant material each having openings therein defining a via, said via exposing at least a portion of said layer of conductive material (Col. 4, lines 30-35 and Fig. 2); wherein said layer of conductive material contacts at least a portion of said substrate.

Wu does not disclose a layer of hard mask material formed on at least a portion of said layer of dielectric material; said layer of dielectric material including a pair of shoulders having hard mask material thereon, and said layer of hard mask material having a pair of facets.

Blalock discloses a dielectric layer (14) having a via; a hard mask layer (28) formed on at least a portion of said layer of dielectric material; said layer of dielectric material including a pair of shoulders (34) having hard mask material thereon of polycrystalline silicon, and said layer of hard mask material having a pair of facets (See Fig. 6); and an interconnect material (72) in said via.

It would have been within the scope of one of ordinary skill in the art to combine the teachings of Blalock and Wu to enable formation of the interconnect structure.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Blalock (5,320,981) and Wu (5,940,731) as applied to claims 1-6, 8 and 9 above, and further in view of Linn et al. (5,547,896)

The combination of Blalock and Wu does not disclose that the hard mask material comprises a titanium-tungsten alloy.

Linn et al. disclose titanium-tungsten alloy as a suitable material for a hard mask layer (Col. 3, line 9).

It would have been within the scope of one of ordinary skill in the art to combine the teachings of Blalock, Wu and Linn et al. to enable formation of the hard mask layer.

Response to Arguments

Applicant argues the Examiner has provided no motivation or reasoning as to how one skilled in the art would modify the references to arrive at the claimed

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semiconductor device precursor. However, motivation has been provided in the Office Action mailed 7/30/03, it would have been within the scope of one of ordinary skill in the art to combine the teachings of Blalock and Wu to enable formation of the interconnect structure.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant argues that Wu does not teach a hard mask layer which is formed by a single deposition of hard mask material as taught in the present invention. However, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Estrada whose telephone number is 571-272-1858. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on 571-272-1855. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2800.


George Fourson
Primary Examiner
Art Unit 2823


MEstrada
April 20, 2004